

## Introduced by Senator Torlakson

February 18, 2005

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An act to amend Section 1861.025 of the Insurance Code, relating to auto insurance.

## LEGISLATIVE COUNSEL'S DIGEST

SB 597, as introduced, Torlakson. Good driver discounts: drunk drivers.

Existing law provides that a person is qualified to purchase a Good Driver Discount auto insurance policy if he or she meets specified criteria, including not having been convicted of specified offenses relating to driving while intoxicated during the previous 7 years. The above provisions are amendments of Proposition 103, an initiative statute that may be amended by the Legislature only by a 2/3 vote and in furtherance of its purposes.

This bill would change the period during which a person must not have been convicted of one of these offenses to the previous 10 years.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1861.025 of the Insurance Code is
- 2 amended to read:
- 3 1861.025. A person is qualified to purchase a Good Driver
- 4 Discount policy if he or she meets all of the following criteria:
- 5 (a) He or she has been licensed to drive a motor vehicle for the
- 6 previous three years.
- 7 (b) During the previous three years, he or she has not done any
- 8 of the following:

1 (1) Had more than one violation point count determined as  
2 provided by subdivision (a), (b), (c), (d), (e), (g), or (h) of  
3 Section 12810 of the Vehicle Code, but subject to the following  
4 modifications:

5 For the purposes of this section, the driver of a motor vehicle  
6 involved in an accident for which he or she was principally at  
7 fault that resulted only in damage to property shall receive one  
8 violation point count, in addition to any other violation points  
9 that may be imposed for this accident.

10 If, under Section 488 or 488.5, an insurer is prohibited from  
11 increasing the premium on a policy on account of a violation,  
12 that violation shall not be included in determining the point count  
13 of the person.

14 If a violation is required to be reported under Section 1816 of  
15 the Vehicle Code, or under Section 784 of the Welfare and  
16 Institutions Code, or any other provision requiring the reporting  
17 of a violation by a minor, the violation shall be included for the  
18 purposes of this section in determining the point count in the  
19 same manner as is applicable to adult violations.

20 (2) Had more than one dismissal pursuant to Section 1803.5 of  
21 the Vehicle Code that was not made confidential pursuant to  
22 Section 1808.7 of the Vehicle Code, in the 36-month period for  
23 violations that would have resulted in the imposition of more  
24 than one violation point count under paragraph (1) if the  
25 complaint had not been dismissed.

26 (3) Was the driver of a motor vehicle involved in an accident  
27 that resulted in bodily injury or in the death of any person and  
28 was principally at fault. The commissioner shall adopt  
29 regulations setting guidelines to be used by insurers for the  
30 determination of fault for the purposes of this paragraph and  
31 paragraph (1).

32 (c) During the previous ~~seven~~ 10 years, he or she has not been  
33 convicted of a violation of Section 23140, 23152, or 23153 of the  
34 Vehicle Code, a felony violation of Section 23550 or 23566, or  
35 former Section 23175 or, as those sections read on January 1,  
36 1999, of the Vehicle Code, or a violation of Section 191.5 or  
37 paragraph (3) of subdivision (c) of Section 192 of the Penal  
38 Code.

39 (d) Any person who claims that he or she meets the criteria of  
40 subdivisions (a), (b), and (c) based entirely or partially on a

1 driver's license and driving experience acquired anywhere other  
2 than in the United States or Canada is rebuttably presumed to be  
3 qualified to purchase a Good Driver Discount policy if he or she  
4 has been licensed to drive in the United States or Canada for at  
5 least the previous 18 months and meets the criteria of  
6 subdivisions (a), (b), and (c) for that period.

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